



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

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CERTIFIED MAIL

March 3, 2010

Mr. William Thibeault
New Ventures Associates, LLC
85-87 Boston Street
Everett, Massachusetts 02149

Re: NEWBURYPORT – Solid Waste/COR
Crow Lane Landfill
FMF # 39545
Paragraph 27 Notice

Richard A. Nylen Jr, Attorney at Law
Lynch, DeSimone & Nylen, LLP
12 Post Office Square
Boston, MA 02109

Dear Mr. Thibeault and Mr. Nylen:

On February 26, 2010, Mr. Thibeault, the president of New Ventures Associates, LLC ("New Ventures"), reported to the Massachusetts Department of Environmental Protection ("MassDEP") that strong winds, on or about the evening of February 25, 2010, had blown a portion of the flexible membrane liner (the "FML") impermeable landfill cap off of the Crow Lane Landfill (the "Landfill") and rendered up to three (3) landfill gas extraction wells inoperative. On February 26 and 27, 2010, MassDEP personnel and MassDEP's consultant, Shaw Environmental, Inc. of Salem, New Hampshire observed that approximately 1.5 acres of the FML had been blow off of the southwestern portion of the Landfill exposing the underlying geotextile gas vent layer.

They also observed that components of the landfill gas extraction system were damaged including, without limitation landfill gas extraction wells EW-10, EW-11, and EW-12, which were rendered inoperative. New Ventures implemented temporary measures to isolate the damaged landfill gas extraction wells and attempted to secure the edges of the remaining FML with sand bags.

Paragraph 27 of the Settlement Agreement and Final Judgment in *Commonwealth v. New Ventures Associates, LLC*, Suffolk Superior Court C.A. 06-0790 C, as amended by Orders of the court on May 27, 2009 and October 7, 2009 (the "Final Judgment") for completing closure of the Crow Lane Landfill (the "Landfill") in Newburyport, Massachusetts provides, in part that:

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057, TDD# 866-539-7622 or 617-574-6868.
<http://www.mass.gov/dep> • Fax (978) 694-3499

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"The Department and its contractors shall also, within seventy-two (72) hours of notice by the Department, have the right to access the Site [Landfill] at any time to take actions necessary to: (i) assure that the landfill gas system, including, without limitation, the LFG Pre-treatment System, the enclosed flare, and gas collection system, is operating in full compliance with the performance standards in Appendix B to the Settlement Agreement; (ii) patch, repair, or extrusion weld any FML rips, tears, seam openings or other damage; (iii) cover, patch, or otherwise mitigate any breakouts of hydrogen sulfide or other Landfill gases from the Landfill surface; or (iv) place cover over Active or Inactive Areas of the Landfill in order to assure compliance with the requirements of Sections B and C of Appendix C to the Settlement Agreement, Landfill Cover Protocol." [Added]

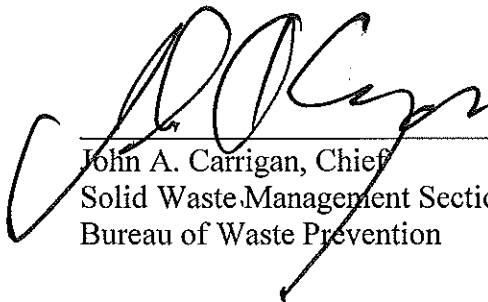
Therefore, pursuant to paragraph 27 of the Final Judgment, this letter constitutes notice to New Ventures of the Department's intent to access the Site at any time with its contractor(s) to take the actions necessary to repair the damage to the FML and landfill gas extraction system caused by the windstorm on or about the evening of February 25, 2010, including, without limitation the replacement of the damaged FML and the repair and restoration to operation of landfill gas extraction wells EW-10, EW-11, and EW-12.

Pursuant to paragraph 6(a) of the Corrective Action Standby Trust Agreement, MassDEP reserves the right to draw funds against the Trust Fund Property for any actions conducted by MassDEP pursuant to paragraph 27 of the Final Judgment upon notification to the Trustee as required by the Trust Agreement and 310 C.M.R. 19.051.

This notice is provided by email pursuant to Section 26 of the Final Judgment and by certified mail.

Feel free to contact me by telephone at (978) 694-3299, if you have any questions regarding this notice.

Sincerely,



John A. Carrigan, Chief
Solid Waste Management Section
Bureau of Waste Prevention

CERTIFIED MAIL: 7009 2250 001 5078 7018 (Thibeault)

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